

REMARKS

Claims 1-18 are currently pending in the subject application and are presently under consideration.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1-18 Under 35 U.S.C. §103(a)

Claims 1-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Jeong, *et al.* (U.S. 7,089,004) in view of Haumount, *et al.* (2002/0032032). It is respectfully requested that this rejection be withdrawn for at least the following reasons. Neither Jeong, *et al.* nor Haumount, *et al.* teach or suggest all features set forth in the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, **the prior art reference (or references when combined) must teach or suggest all the claim limitations.** See MPEP §706.02(j). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The subject claims relate to a method implemented in a mobile wireless station for searching neighbor base station cells within a fixed time duration for the purpose of cell reselection. A list of available cells can be ranked and divided into a higher ranked set and a lower ranked set. The higher ranked cells can be searched and updated with every "awake" cycle. In addition, and in order to limit the amount of time spent during the awake cycle, only as many cells from the lower ranked set are searched as can be updated within the time remaining during the time-bounded awake cycle. To ensure that all cells on the ranked list are regularly searched and updated, while still satisfying the duration constraint on the awake time, the subset of lower ranked cells to be scanned can change with each cycle, until all of the lower ranked cells have been searched. The searched subset of lower ranked cells can then begin again at the

start of the list. In particular, independent claim 1 (and similarly independent claims 4 and 18) recites, *ranking the list of monitored cells to form a ranked list of monitored cells; selecting the first list of cells from the ranked list of monitored cells; and selecting the subset of the second list of cells, the second list of cells comprising the remaining cells from the ranked list of monitored cells not selected in the first list of cells, and the selected subset varying during each cycle.*

Contrary to the Examiner's contentions, Jeong, *et al.* fails to disclose these features of the subject claims. Jeong, *et al.* relates to a method for scheduling cell searches using search timers associated with each cell in a monitoring list. A search period is calculated for each cell in the monitoring list, and each cell is then assigned a search timer set for that cell's search period. These search timers determine when each cell is searched. This method disclosed in Jeong, *et al.* is materially distinct from, and in no way suggests, that taught by the subject claims. The referenced section of the cited art merely discloses a plurality of cells that are searched at a number of different search periods. Specifically, Cell 1 (the active cell) is searched every 40ms, Cell 2 every 100ms, and Cells 3-24 every 400ms (in staggered groups of 6). This methodology results in the search timing chart illustrated in Figure 9 of Jeong, *et al.* As can be seen in that figure, there are multiple search cycles of Cell 2 *during which no other cells are scanned.* Hence, the method disclosed by Jeong, *et al.* teaches away from the subject claims, which teach that *for each search cycle a higher ranked set of cells from the monitored list plus a subset of the lower ranked cells* can be scanned, wherein the subset of lower ranked cells can vary with each scan. This search method would result in a first set of cells being searched with each cycle, with a varying subset of a second set of cells scanned simultaneously with the first set. This search method is in no way suggested by Jeong, *et al.*, either in Figure 9 or the associated descriptions.

Haumont, *et al.* likewise fails to disclose these features. Haumont, *et al.* relates to a method for reselecting a cell for a mobile station while still retaining benefits of localized service areas, but nowhere teaches or suggests the cell search and update method disclosed by the subject claims.

In view of at least the foregoing, it is respectfully submitted that Jeong, *et al.* and Haumont, *et al.*, individually or in combination, do not teach or suggest each and every feature set forth in independent claims 1, 4, and 18 (and all claims depending there from) and as such fail to make obvious applicant's claimed subject matter. It is therefore requested that this rejection be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 170026.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully,

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By: 

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